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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 GALP SIERRA VISTA, L.P., a
7 Washington limited partnership, et al.,

8 Plaintiffs,

9 v.

10 RSUI INDEMNITY COMPANY, a New
11 Hampshire corporation, et al.,

12 Defendants.

CASE NO. C10-5647BHS

ORDER GRANTING MOTION
TO SEVER

13 This matter comes before the Court on Defendant Illinois Union Insurance
14 Company's ("Union") motion to sever (Dkt. 62). The Court has reviewed the briefs filed
15 in support of and in opposition to the motion and the remainder of the file and hereby
16 grants the motion for the reasons stated herein.

17 **I. PROCEDURAL HISTORY**

18 On December 14, 2011, Intervenor Plaintiff Equity Funding ("Equity") filed an
19 amended complaint adding Union as a party and asserting a claim against Union based on
20 the improper endorsement of a check Union had issued. *See* Dkt. 36.

21 On March 29, 2012, Union filed a motion to sever. Dkt. 62. On April 9, 2012,
22 Plaintiffs filed a notice of joinder in Union's motion (Dkt. 65), and Defendant RSUI
23 Indemnity Company responded and does not oppose the motion. Dkt. 67. On April 13,
24 2012, Union replied. Dkt. 69.

25 **II. DISCUSSION**


26 "On motion or on its own, the court may at any time, on just terms, add or drop a
27 party. The court may also sever any claim against a party." Fed. R. Civ. P. 21.
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1 In this case, Union requests a severance of Equity's claim against Union and
2 Union's counterclaim against Plaintiff Wentwood Rollingbrook LP because the improper
3 endorsement claim is wholly separate from the other claims in this action. Dkt. 62. No
4 party opposes the severance. The Court agrees with Union that severance is appropriate.

5 **III. ORDER**

6 Therefore, it is hereby **ORDERED** that Union's motion to sever (Dkt. 62) is
7 **GRANTED**. The Clerk is directed to sever Equity's claim and Union's counterclaim into
8 a new case. For the purposes of clarity, Equity is directed to file a new complaint in the
9 new case no later than May 1, 2012. The Clerk shall also issue new initial orders on an
10 expedited schedule.

11 DATED this 23rd day of April, 2012.

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14 BENJAMIN H. SETTLE
15 United States District Judge
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